

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLES RYDER,

Plaintiff,

Case Number: 08-12115

v.

HON. LAWRENCE P. ZATKOFF

HUGH WOLFENBARGER, et al.,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff filed the instant action alleging violations of his civil rights by the Defendants. This matter is currently before the Court on Magistrate Judge Michael Hluchaniuk's Report and Recommendation of June 24, 2010 (Docket #38), wherein the Magistrate Judge recommends that: (1) Defendants' motions for summary judgment (Docket #s 16 and 32) be granted, and (2) Plaintiff's case be dismissed with prejudice. Plaintiff has filed a timely objection.

After a thorough review of the court file, including Plaintiff's complaint, the Report and Recommendation and Plaintiff's objections, this Court will adopt the Report and Recommendation and enter it as the findings and conclusions of this Court. Before dismissing the case, however, the Court comments briefly on Plaintiff's objection(s) to the Report and Recommendation. In essence, Plaintiff argues that his case should not be dismissed for failure to exhaust his administrative remedies because he sent a copy of his Step III grievance to "J. Vansickle," the same person to whom he had sent his Step I and Step II grievances. As noted by Magistrate Judge Hluchaniuk, however, Plaintiff was required to file his Step III grievance with the Grievance and Appeals Section of the Michigan Department of Corrections. Plaintiff admittedly failed to do so, notwithstanding

the fact that he completed the Michigan Department of Corrections “Prisoner/Parolee Grievance Appeal Form” that instructed him: “If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director’s Office, P.O. Box 30003, Lansing, Michigan, 48909.” Accordingly, the Court finds that Plaintiff failed to exhaust his administrative remedies and, as such, cannot recover on his complaint, as a matter of law.

Therefore, for the reasons set forth in the Report and Recommendation and above, the Court hereby GRANTS the motions for summary judgment filed by Defendants (Docket #s 16 and 32). Accordingly, IT IS ORDERED that this case is now DISMISSED WITH PREJUDICE. Judgment shall be entered accordingly.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: August 18, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on August 18, 2010.

S/Marie E. Verlinde
Case Manager
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